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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,857	07/16/2004	Andreas Ralph Major	071308.1104 (2001P19670WO	6394

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EXAMINER	
YEN, ERIC L	
ART UNIT	**PAPER NUMBER**
2626	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/501,857	MAJOR ET AL.	
	Examiner	Art Unit	
	ERIC YEN	2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the examiner's interpretation of "link" is overly broad and that applicant did not intend such a broad scope (Amendment, p. 6). Applicant's intent, however, has no bearing on the definition of a term in patent prosecution, nor is the Specification to be imported into the claims. The fact that claims are to be interpreted in view of the specification does not mean the specific link described by applicant must be the exact link in the prior art. This is especially true when applicant's claim language recites "a file directory configured to store a link to each program and file of the plurality of programs and other files", which does not even specify what is being linked to these files and programs. One of ordinary skill in the art could, in fact interpret "link" to "have such an open-ended meaning, as applicant argues (Amendment, page 6), because whatever applicant intends "link" to mean is not the only interpretation in a computer context. In computers, "link" could be a website link, shortcuts, or anything else. If applicant truly believes that link should have a scope limited to whatever applicant intends, applicant should have no problem claiming this more specific scope that excludes "almost anything imaginable" (Amendment, page 6).

Applicant then argues that the Specification says "a link is stored in a directory… a link is directed to a program or file… and a link has a name". This does not limit "link" to a shortcut because, among other things, what applicant argues a "link" to be is not all a link is. Whatever tells the computer where and what to find in a given memory location could be interpreted as a portion of a directory, even if it is a set of instructions that are not ONLY a pointer/shortcut, as long as the system knows how to find something. Applicant does not claim that the name is a word in the English language, so even a designation of 1 could be a name. The data is also directed to a program or file because it tells the system where to find something. Therefore, even if the definition is what applicant argues it to be, it does not limit it to only a shortcut. Unless applicant EXPLICITLY defines (i.e., does not say a link "can be", "may be", but rather "is") a shortcut in the Specification, the specification carries no weight except to provide context. The context, in this case, is only that it is a computer system, which is an expansive area which could be "almost anything imaginable" given the many different kinds of computers available today, even the ones that are not end-user PCs.

Also, applicant argues that Claim 11 specifically defines "shortcuts", but "shortcuts", itself, is also not limited to whatever applicant intends. Speaking a particular program name or a particular file name is faster, relative to a sequence of mouse clicks, or anything else that would take longer, or is faster than speaking a sequence of commands to get to a particular folder containing a file a user wants to access. Applicant's "shortcuts" do not specify what the shortcut is faster than, or easier to use than, and so as long as the voice command setup is faster/easier than a conventional computer method of accessing the same thing, then it qualifies as a "shortcut". The speech recognition function is easier than its alternative, which is using a telephone keypad to access the same thing. Therefore, OPEN FILE X is a shortcut because it is very likely faster than pressing a series of arrows and numbers to remotely access a word processor document.

Therefore, unless applicant more specifically claims whatever is meant by link or any other term in the claims, there is no requirement to give patentable weight to whatever applicant INTENDS.